



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO:  
ATTENTION OF:

**PERMITTEE:** EAGLE CREEK MARINA, INCORPORATED

**PERMIT NUMBER(S):** 95-990-2(1)

**EFFECTIVE DATE:** March 6, 2001

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer. You are authorized to perform work in accordance with the terms and conditions specified below. (and continue on page 5)

**PROJECT DESCRIPTION:** EAGLE CREEK MARINA, INCORPORATED, 5 PINE CREEK LANE, ROCHESTER, NEW YORK 14626, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: ANNUALLY, FOR A PERIOD OF FIVE YEARS, MECHANICALLY DREDGE ABOUT 1,300 CUBIC YARDS OF SAND AND GRAVEL FROM THE ENTRANCE CHANNEL TO THE MARINA, AND ABOUT 9,500 CUBIC YARDS OF SEDIMENTS FROM THE EXISTING MARINA BASIN; EXTEND THE EXISTING ENTRANCE CHANNEL TO THE MARINA LAKEWARD BY DREDGING ABOUT 900 CUBIC YARDS OF SAND FROM AN AREA 200 FEET LONG BY 40 FEET WIDE BY ABOUT 3 FEET DEEP, AND DISCHARGE THE DREDGED MATERIAL BELOW THE PLANE OF ORDINARY HIGH WATER (OHW) ELEVATION 247.3 FEET INTERNATIONAL GREAT LAKES DATUM (IGLD) 1985 ON THE EASTERLY SIDE OF THE JETTIES; EXPAND THE EXISTING MARINA BASIN BY USING LAND-BASED MECHANICAL EQUIPMENT TO EXCAVATE/DREDGE ABOUT 8,850 CUBIC YARDS OF MATERIAL FROM TWO PENINSULAS WITHIN THE FACILITY; PLACE FLOATING DOCKS 225 FEET LONG, 150 FEET LONG, AND 100 FEET LONG IN THE NEWLY CREATED AREA IN THE MARINA BASIN; STABILIZE ABOUT 1075 FEET OF SHORELINE WITH GABION BASKETS; DISCHARGE ABOUT 720 CUBIC YARDS OF CLEAN STONE BELOW THE PLANE OF OHW AND USED AS FILL FOR THE GABION BASKETS; UTILIZING STONE FILLED GABION BASKETS EXTEND THE WESTERLY BREAKWATER ABOUT 30 FEET IN A SOUTHERLY DIRECTION; DISCHARGE ABOUT 20 CUBIC YARDS OF CLEAN STONE BELOW OHW TO FILL THE GABIONS; DISCHARGE ABOUT 60 CUBIC YARDS OF CLEAN QUARRY STONE BELOW OHW AT THE WATERWARD TERMINI OF THE JETTIES TO PROTECT AND REINFORCE THE STRUCTURES; AND AFFIX FABRICATED STEEL WAVE ATTENUATORS TO THE CHANNEL SIDE OF THE STONE FILLED STEEL BINS TO REDUCE WAVE ACTION WITHIN THE MARINA BASIN. ALL WORK SHALL BE IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

**PROJECT LOCATION:** THE PROJECT IS LOCATED AT EAGLE CREEK MARINA, 1033 LAKELAND BEACH ROAD, TOWN OF KENDALL, ORLEANS COUNTY, NEW YORK.

## PERMIT CONDITIONS

### GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on March 6, 2006. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:  
**Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1977**
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

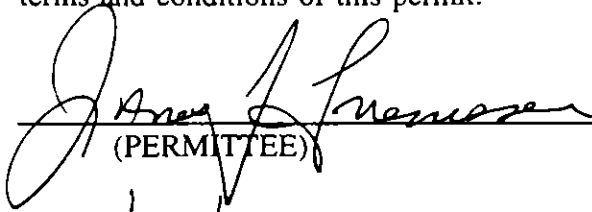
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

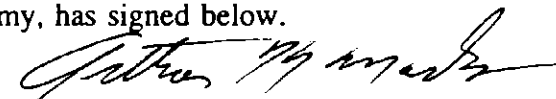
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)  
  
2/13/01  
\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
for \_\_\_\_\_  
Glen R. DeWillie, Lieutenant Colonel, U.S. Army  
\_\_\_\_\_  
(DISTRICT COMMANDER)

March 6, 2001

\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

SPECIAL CONDITIONS:

1. That this permit was issued on your certification that the project is consistent with the New York Coastal Zone Management Plan. The New York State Department of State concurs in this certification provided you comply with any Special Conditions imposed by that agency. Noncompliance with the conditions may be a basis for suspension, revocation, or modification of this permit.
2. That you (the permittee) shall assume full responsibility for complying with all Special Conditions. If the reports required under these conditions are not submitted by the specified date, or unless a time extension is approved in writing by the Corps of Engineers, the permittee shall pay stipulated penalties in the amount of fifty dollars (\$50.00) per day for each day past the submittal date. Such funds shall be submitted by check made payable to: Finance and Accounting Officer and forwarded directly to the Office of Counsel, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199.
3. That you shall ensure that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
4. No in-water work for the purpose of removing upland peninsulas, installation of gabion baskets and/or the placement of rock rip rap shall be performed **between March 30 and July 1 of any given year** to protect endemic fish species.
5. You shall install and maintain channel markers along each side of the new 200 foot long, 40 foot wide channel to ensure safe navigation. However, prior to installing channel markers into the waterway you shall make application and receive proper authorization from the United States Coast Guard, Aids to Navigation Branch, at the address below to install channel markers.
6. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG) through regulations or otherwise, at your authorized facility. The USCG may be reached at the following address and phone number:

U.S. Coast Guard  
Aids to Navigation Branch  
Ninth Coast Guard District  
1240 East Ninth Street  
Cleveland, Ohio 44199-2060  
216-522-3992

SPECIAL CONDITIONS CONTINUED:

7. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
8. That this permit does not authorize the discharge of dredged or fill material into Lake Ontario, Bald Eagle Creek or any other water of the United States including wetlands for the purpose of creating temporary structures that include but are not limited to groins, cofferdams, work pads, lay down and staging areas and access roads.
9. That this permit does not authorize sidecasting or any other temporary or permanent disposal of dredged material into Bald Eagle Creek or any wetland area.
10. The results of the benthic study conducted during the summer of 2000 shall be submitted to this office by April 1, 2001. Based upon the District Commander's review, subsequent surveys may be required at your expense and as directed by the District Commander. The report shall be submitted to Sandra Doran at U.S. Army Corps of Engineers Auburn Field Office, 7413 County House Road, Auburn, NY 13021 and copied to New York State Department of Environmental Conservation, Region 8.
11. Department of the Army permit 95-990-10(0) authorized a 40 foot extension to each jetty located at the marina entrance to Lake Ontario. If the District Commander determines that the extensions have caused significant adverse impacts to the coastal shoreline and/or littoral zone, the applicant agrees, at his own expense, to modify or remove the approved extensions.
12. You shall continue to submit annual surveys of the shoreline and the littoral zone of Lake Ontario. The annual surveys shall be prepared by a licensed surveyor and shall include profiles set 50 feet apart, extending a minimum of 200 feet east and west of the jetty extensions and a minimum of 200 feet lakeward of the shoreline. The survey shall include centerline data within the entrance channel. Annual ground level photos taken from fixed locations shall accompany the annual surveys. Photos shall be taken of the shoreline east and west of the marina and of the entrance channel. The surveys and photos shall be completed in the **SPRING** of each year prior to any dredging, bypassing or nourishment activities. Two copies of the surveys and photos shall be submitted to this office, ATTN: Chief, Coastal/Geotechnical Section and ATTN: Chief, Application Evaluation Section (AES-NY) by **August 1st of the year in which they are prepared**. A cover letter with each submission shall reference Department of the Army permit No. 95-990-10(0) and the fact that the shoreline monitoring surveys and photos are being submitted as required by the aforementioned permit. The scope of monitoring will be re-evaluated on a yearly basis with the possibility of an increase or decrease in survey requirements.

SPECIAL CONDITIONS CONTINUED:

13. Three to five ton stone shall be installed at the waterward terminus of the jetty extensions in order to decrease wave energy within the channel. The "V-shaped" steel wave attenuators shall be installed approximately 20 feet apart and attached to the inside of each jetty. The steel should be perforated to allow the plates to dissipate some of the wave energy.

14. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, you shall allow access to the project site to determine compliance with the conditions of this permit.

15. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for a period of five (5) years from the date of issuance. This permit expires on March 6, 2006 and cannot be extended. Within 6 months prior to the expiration date, you must submit a new permit application, required drawings and an updated property survey and recent bathymetric (lake bottom) survey of the marina and the entrance channel.

**The following conditions shall be followed when performing maintenance dredging within the marina basin:**

16. Maintenance dredging within the marina basin can be performed as needed provided silt curtains are properly installed to surround the work area. If silt curtains are not used, no dredging shall be performed between March 30 and July 1 of any given year.

17. A silt screen shall be properly installed to surround the work area prior to initiating work. The silt screen shall have a maximum sieve size of 20, be suspended on floats and weighted across the bottom. It must be maintained and remain in place until all dredging and excavation work is completed and the banks have been stabilized.

18. That the dredged material removed from the marina basin (ie. silt and gravel) shall be disposed of on upland property. At least 30 days prior to dredging you shall submit a location map of the disposal site, and obtain approval from this office prior to the commencement of work authorized by this permit. If the material is dewatered on-site, the material shall be stabilized to prevent re-entry into a water of the United States including wetlands.

19. That the cattail peninsula located on the western shore of the creek and the 3.3 acres of cattails located on the east side of the creek shall not be relocated or disturbed in any way while performing maintenance dredging.

20. That a 10-foot buffer zone be left undisturbed between the cattail areas and the channel when performing maintenance dredging within the marina basin.

SPECIAL CONDITIONS CONTINUED:

**The following conditions shall be followed when performing maintenance dredging within the entrance channel and in Lake Ontario:**

21. Maintenance dredging within the entrance channel and Lake Ontario may be performed during the time frame of July 2 through March 30 subject to the requirements of Special Conditions 17 and 22.

22. Prior to dredging the entrance channel in Lake Ontario, you shall:

a) submit a maintenance dredging schedule depicting appropriate time frames dredging will be accomplished.

b) test the material to determine sand and gravel content. The material shall be tested by a mechanical grain size analysis. A minimum of two samples, 50-75 feet apart, shall be taken.

c) upon completion, two copies of the analysis results shall be sent to the Buffalo District Office, ATTN: Chief AES-NY, at the address below and shall reference Processing number 95-990-2(1) and the fact that the testing was a requirement of the aforementioned permit.

23. If the material in the entrance channel consists of between 80-85% sands and gravel, you shall mechanically dredge the accumulated sediments of the westerly side of the jetties or the entrance channel. The material shall be reintroduced into the littoral drift system located on the east side of the easternmost jetty. If the material consists of less than 80-85% sands and gravel, the dredged material shall be removed from the waterway and disposed of on pre-approved upland property.

24. When the rehabilitation work is complete, you shall, at your expense, survey the Eagle Creek Marina property. A copy of the survey shall be sent to Corps of Engineers, Buffalo District Office, 1776 Niagara Street, Buffalo, New York 14207.

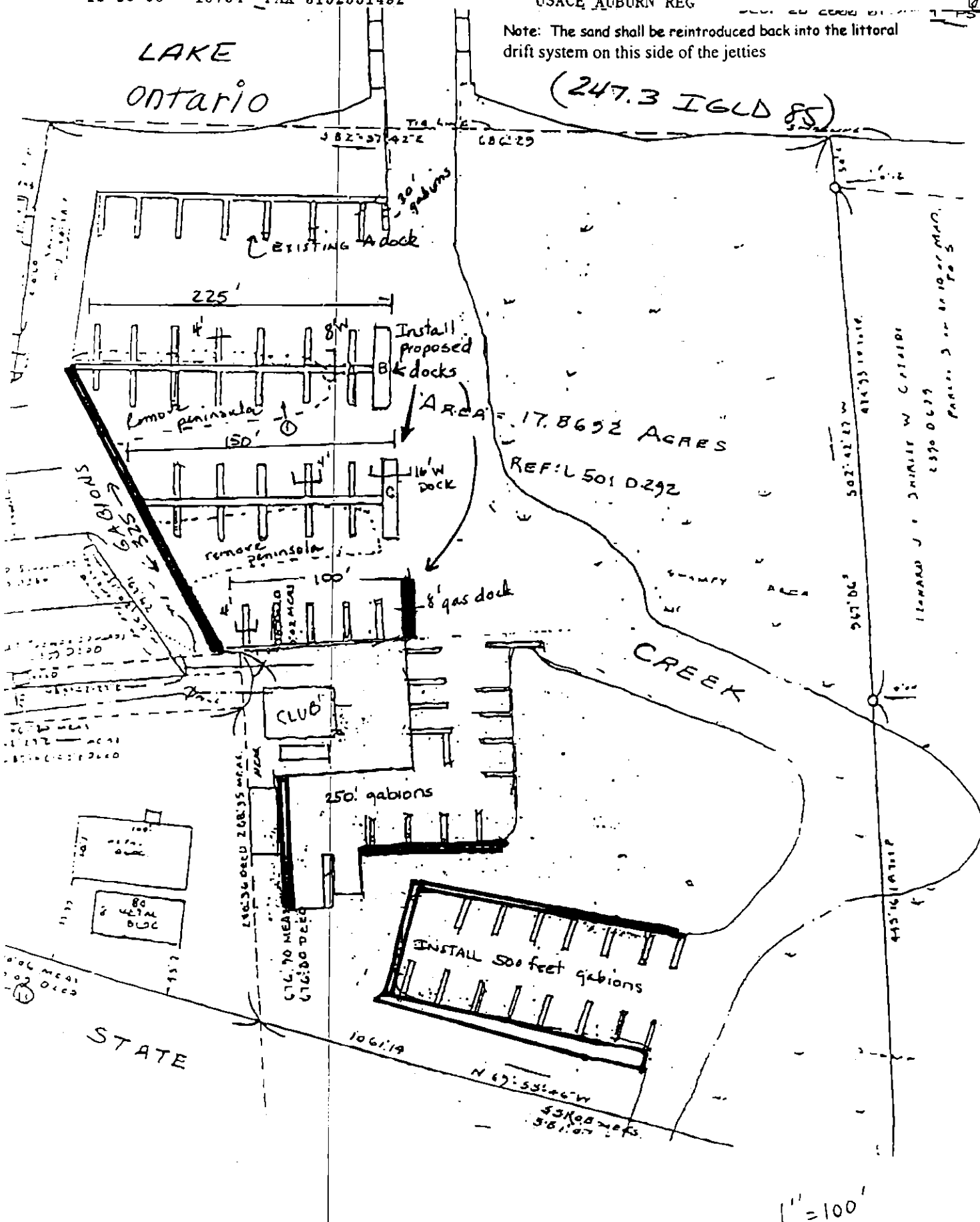




Note: The sand shall be reintroduced back into the littoral drift system on this side of the jetties

LAKE  
ontario

(247.3 IGLD 85)



EAGLE CREEK MARINA  
D/A Processing No. 95-990-2(1)  
Orleans County, New York Quad: KENDALL  
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Note: The sand shall be reintroduced back into the littoral drift system on this side of the jetties

# LAKE ONTARIO

EXISTING 15'x25' STONE REVETMENT, TYP.

NEW 200' L CHANNEL 40' W

EXISTING STONE-FILLED STEEL CRIBS, TYP. (EACH 20' x 15') 40' x 15'

EXISTING 40'x14' STONE-FILLED STEEL CRIBS, TYP. TO BE SECURED IN PLACE

PROPOSED 30' STEEL BULKHEAD EXTENSION COMPOSED OF THREE 3'Wx10'L EARTH FILLED CRIBS

EXISTING GRASSY AREA TO BE DESIGNATED FOR PASSIVE RECREATION

EXISTING GRASSY AREA TO BE DESIGNATED FOR PARKING/INTER-OAT STORAGE

MARINA BAY I

236'

EXISTING SHORELINE (247.3 IGLD 85)

TIE LINE

TIE LINE

EXISTING STEEL BULKHEAD

EXISTING STEEL BULKHEAD

EXISTING GABIONS

EXISTING GABIONS

FEDERAL

WETLAND

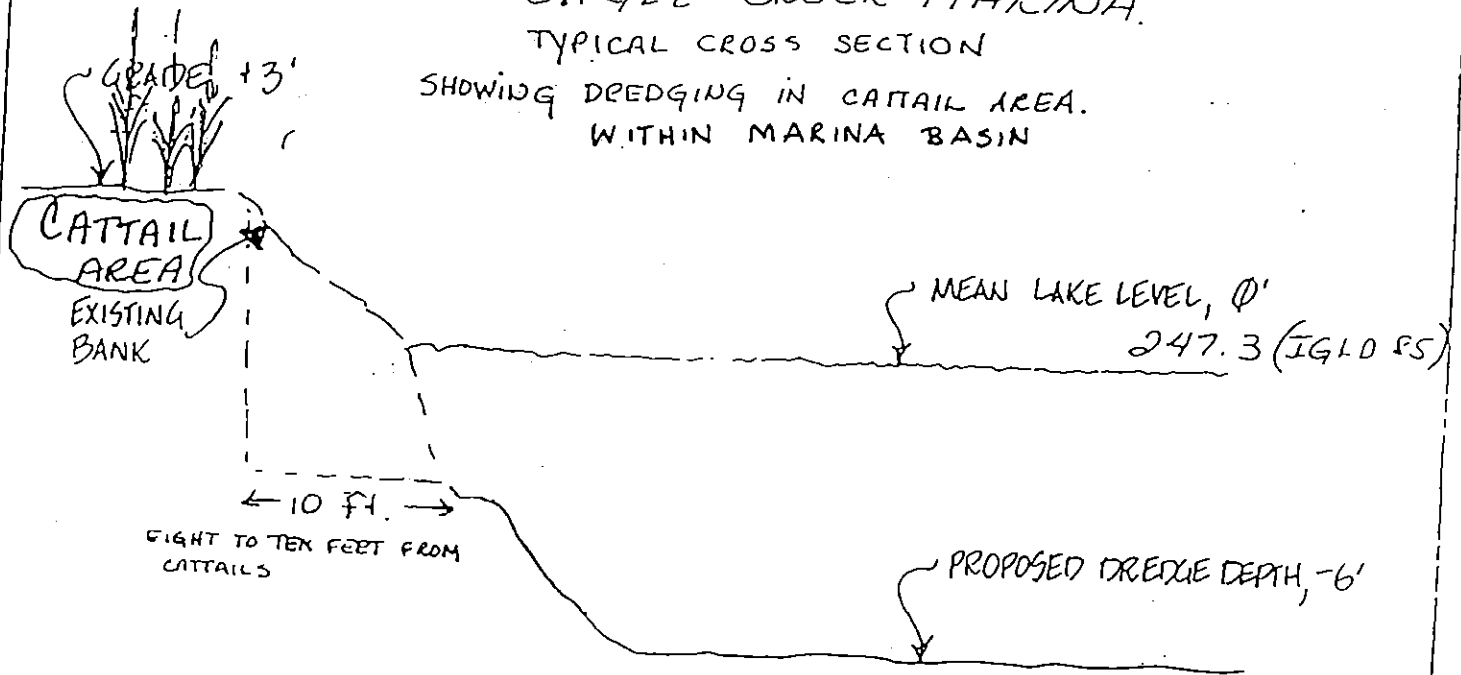
EXISTING 4'x40' WOOD FLOATING DOCK

EAGLE CREEK MARINA  
D/A Processing No. 95-990-2(1)  
Orleans County, New York Quad: KENDALL  
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# EAGLE CREEK MARINA

## TYPICAL CROSS SECTION

SHOWING DREDGING IN CATTAIL AREA.  
WITHIN MARINA BASIN



Dredging: A minimum of 10 feet from cattail area  
on both sides of creek.

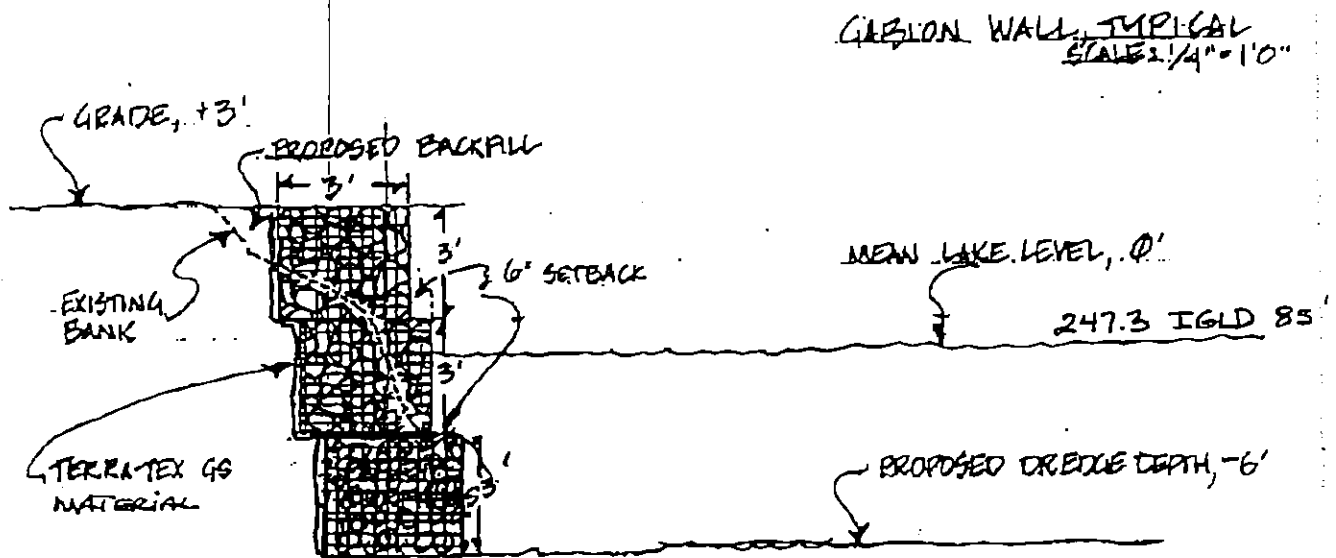
TOTAL AMOUNT: TOTAL AMOUNT OF MATERIAL TO BE DREDGED  
FROM BOAT SLIPS AND CREEK CHANNEL  
 $\approx 9,000 \text{ yd}^3$

NOTE: CATTAIL peninsula at bend in creek will remain  
undisturbed.

CROSS SECTION  
MAINTENANCE DREDGING

Applicant Name FREEMESSE

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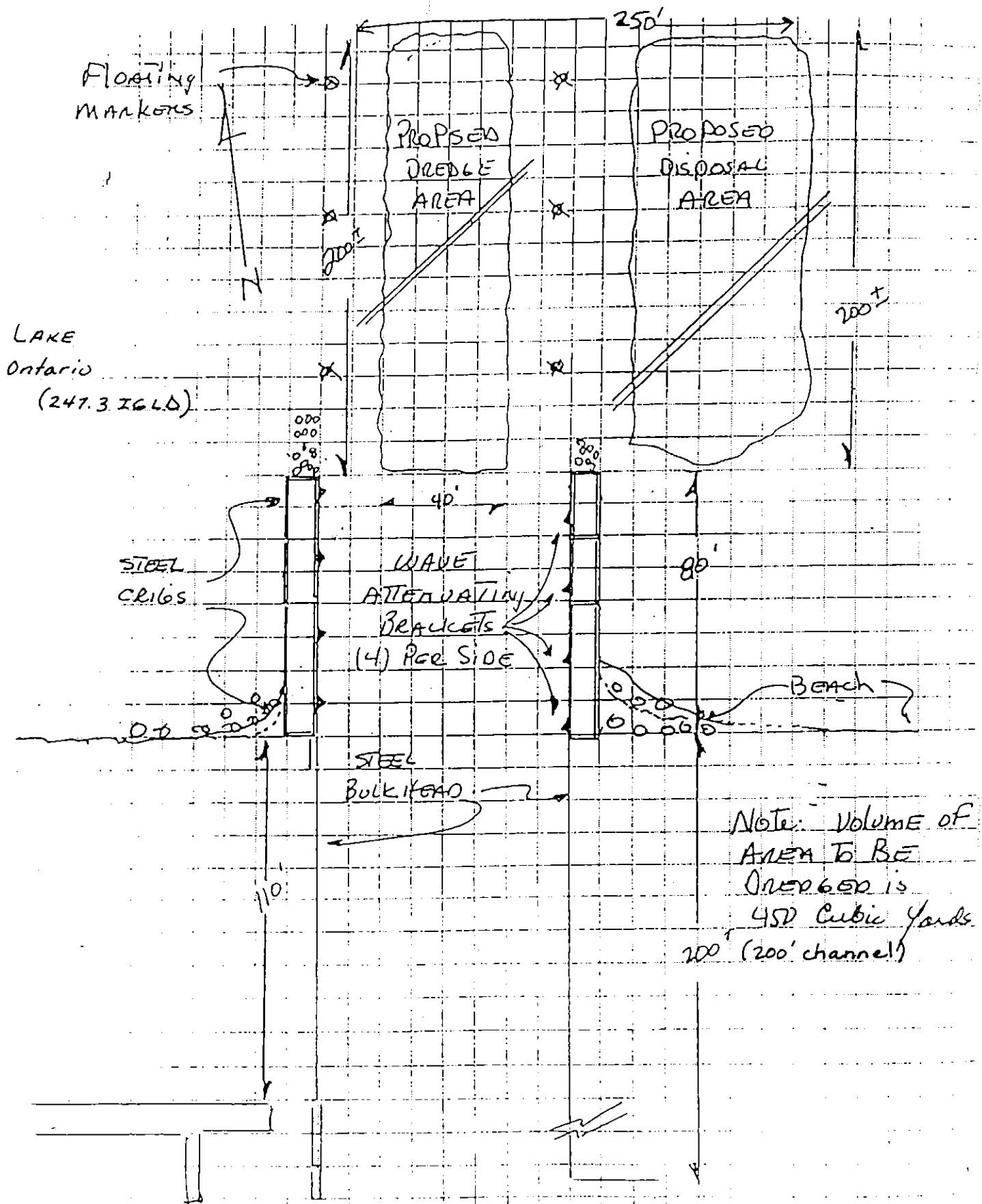
#### GABION SPECIFICATIONS:

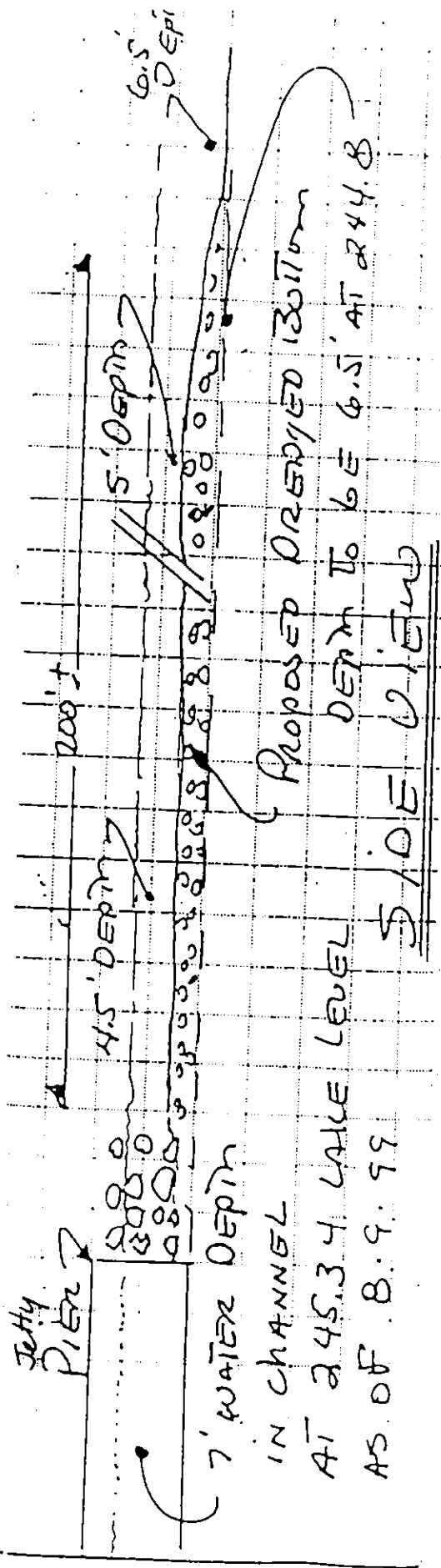
- 2 EACH UNIT 12' L x 3' W x 3' H;
- 2 SUBMERGED UNITS: COATED WIRE;
- 2 DRY UNITS: GALVANIZED WIRE;
- 2 2" MESH OPENING;
- 2 MIN. 4" RIP-RAP (QUARRY-OBTAINED)

NOTE: ACCORDING TO STANDARD PRACTICE,  
UNITS WILL BE FASTENED TOGETHER  
WITH HEAVY-GAUGE CALV. WIRE  
TO PREVENT SHIFTING.

**PROPOSAL: TO INSTALL GABION BASKETS 12 FT LONG 3 FT WIDE AND 3 FT DEEP.**

**AUTHORIZATION: THIS PERMIT AUTHORIZES THE DISCHARGE BELOW THE PLANE OF ORDINARY HIGH WATER OF 0.6 CUBIC YARDS OF MATERIAL PER RUNNING FOOT OF BANK (900 LINEAR FEET)**





OF PROPOSED 200' LONG  
CHANNEL

(NOT TO SCALE)

EAGLE CREEK MARINA  
D/A Processing No. 95-990-2(1)  
Orleans County, New York Quad: KENDALL  
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# PROPOSED NEW CHANNEL

200' LAKEWARD OF STEEL JETTIES

(NOT TO SCALE)

## Proposal:

To establish a minimum depth of 6' at a lake level of 244.3 projected to be low water level as of Oct 15 99.

Lake Ontario is maintained at 247.3 in 1985

Jetty  
Steel  
Cribs

Existing depth at end of channel 4.5'



7' DEPTH TO BE ESTABLISHED AT 245.3 LAKE LEVEL in center 40' OF channel north of steel cribs

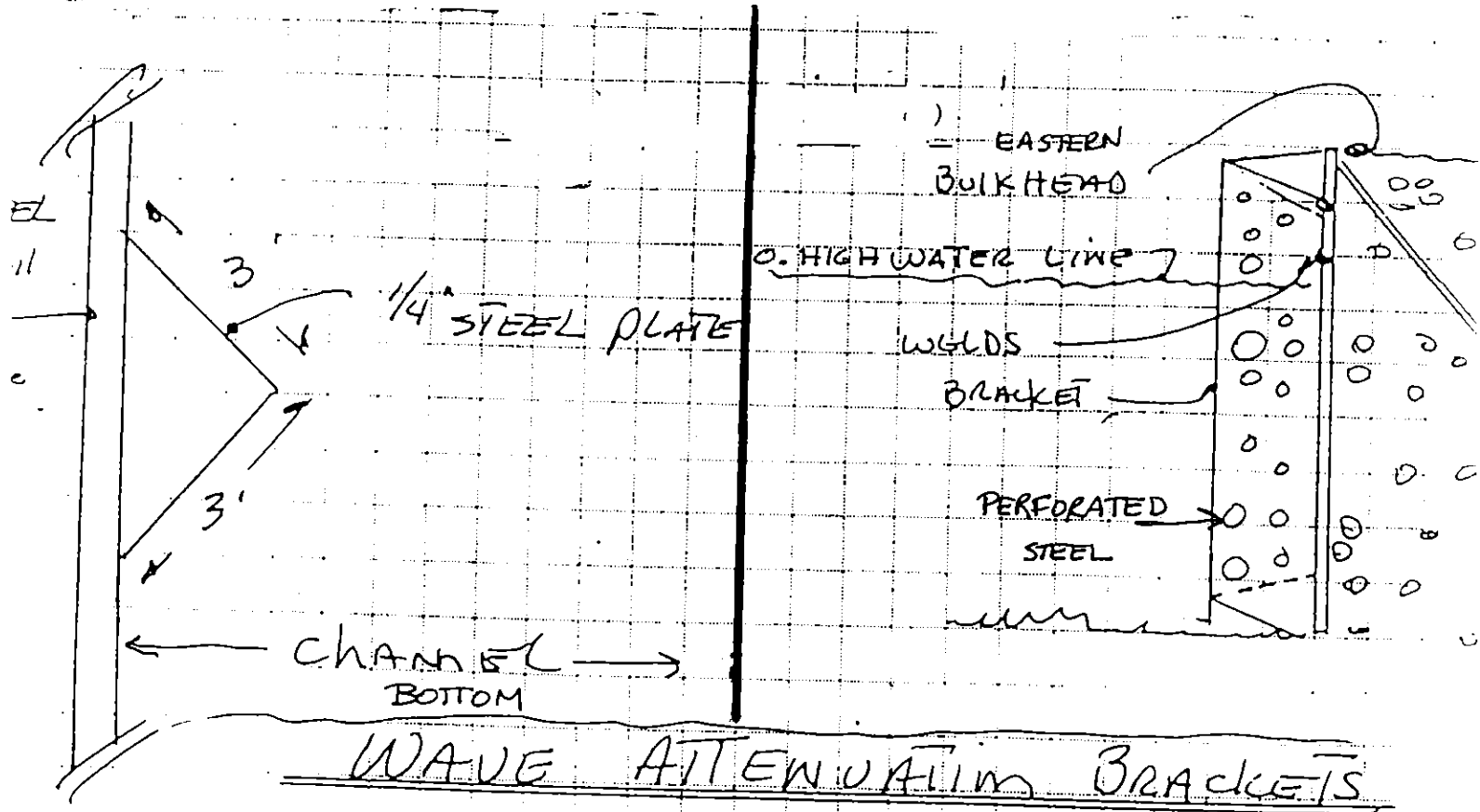
END VIEW

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TOP VIEW

SIDE VIEW



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